IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5203 of 2005

Between:

P.Parvateeswara Rao,

S/o late Narasimha Appa Rao,
D'Man Gr.I/Assistant Engineer,

O/o EE, I &CAD, SMI Division, Paderu

(under orders of suspension) r/o Paderu,
Visakhapatnam District.

..... PETITIONER

AND

1 The Government of AP.,

rep., by its Principal Secretary,

Irrigation & Command Area Development Department,
Secretariat, Hyderabad.
2 The Engineer-in-Chief,

Administration Wing,

I&CAD Department,

Errumanzil, Hyderabad.
3 The Superintending Engineer,

Irrigation Circle, I&CAD Department,

Visakhapatnam.

4 The Superintending Engineer,

I&CAD Dept.,

Irrigation Circle, Bobbili,

Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of certiorari after calling for the records relating to the order passed in OA No.308/2005 with MA No.329/2005 dated 03-03-2005 on the file of the Hon'ble A.P.Administrative Tribunal, Hyderabad and quash the same and consequently declare that the order of suspension issued in Proceedings No.3C/AB/EC2 dt.31-1-2005 issued by the fourth respondent is illegal, arbitrary and has been passed at the instance of ACB and the Appellate Authority and set aside the same and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondents: GP FOR IRRIGATION &

COMM AREA DEV.

The Court made the following :

ORDER:(per GB,J)

This writ petition is filed assailing the order dated 03-03-2005 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.308 of 2005 with M.A.No.329 of 2005, dated 03-03-2005.

2. The grievance of the petitioner is that he was suspended pending departmental enquiry on 31-01-2005. The said order came to be challenged before the Tribunal. The learned Tribunal, after hearing the matter, disposed of the O.A. directing the applicant to prefer an appeal before the appellate authority within two weeks. Aggrieved by the said order, the present writ petition has been filed.

3. One of the contentions raised before this court is that the suspension is invalid, inasmuch as the permission of the Director General of Anti-Corruption Bureau, Andhra Pradesh, Hyderabad, was not competent, which is a necessary requirement under the guidelines issued by the Government. Therefore, we asked the learned Government Pleader to enquire whether any permission is required. Today, he produced the notification, dated 28-12-2004 before this court, wherein the Director General has recommended suspension of the Officer.

4. In view of the above, we do not find any ground to interfere with the order of

suspension. However, we direct the Government to review the order of suspension as required under G.O.Ms.No.86, dated 08-03-1994, after completion of six months from the date of suspension order.

5. With this direction, the writ petition is disposed of. No costs.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

Date: 06-04-2005

Prv

To

1 The Government of AP.,

rep., by its Principal Secretary,

Irrigation & Command Area Development Department,
Secretariat, Hyderabad.

2 The Engineer-in-Chief,

Administration Wing,

I&CAD Department,

Errumanzil, Hyderabad.

3 The Superintending Engineer,

Irrigation Circle, I&CAD Department,

Visakhapatnam.

4 The Superintending Engineer,

I&CAD Dept.,

Irrigation Circle, Bobbili,

Vizianagaram District.

5 Two CCs to G.P. for Irrigation and Commercial Area

Development, High Court of A.P., Hyderabad (OUT).

6 Two CD copies.